

Declaration of Salvador Richard Roque

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2 1. I have personal knowledge of the facts stated below and could testify
3 competently to these facts if I were asked to testify as a witness.

4 2. My name is Salvador Roque. I am currently homeless and living in the Skid
5 Row area of downtown Los Angeles. I have been homeless since approximately
6 July 2015, after a death in the family. I developed severe depression, was unable to
7 work and ended up on the street.

8 3. When I first became homeless, I stayed in a shelter in Long Beach for a few
9 months. I then came to the Skid Row area around October 2015 and have been there
10 since.

11 4. I tried to stay in temporary shelters when I first came to the Skid Row area.
12 Shelters make you leave in the early morning each day and take all of your property
13 with you. But shuffling my property back and forth just became too mentally and
14 physically taxing. The last shelter I stayed in was the Los Angeles Mission.

15 5. Eventually, I began to stay in a tent on the sidewalk on Towne Avenue
16 between 5th and 6th Streets. If I had to leave to go to a medical appointment or other
17 social services, or to eat or use a bathroom, my neighbors watched my property when
18 I was gone. I felt more grounded and less stressed that way and I was better able to
19 attend my appointments.

20 6. Early on the morning of February 23, 2016, I began my daily routine of
21 sweeping and cleaning up the sidewalk around my tent. At that time, I had a tarp
22 covering my tent that I placed on it a few days before when it rained. The tarp was
23 only over my tent, not anyone else's.

24 7. I then saw LAPD officers and a patrol car coming down the street. Officers
25 were telling people to take their tents and tarps down.

26 8. Before I was able to take my tent down, an LAPD officer asked me for my
27 identification card and I gave it to him. He ran my information and said that I had an
28 arrest warrant for a Failure to Appear on a citation I previously received. It was a

1 citation for violating LAMC 41.18(d), sleeping/sitting on the sidewalk, because that
2 is the only violation of the law I have been cited for since I came to Skid Row. The
3 officer handcuffed me and placed me in the back of a patrol car. I was arrested by
4 Officer Primo and Officer Schmidt.

5 9. While I was in the back of the patrol car, I saw the arresting officers put
6 yellow police tape around my property. I was driven away in the police car before I
7 could see what the officers did to my property.

8 10. My property was clean and neatly packed when I was arrested. My things
9 were packed in three backpacks and a few black plastic trash bags. My property was
10 clearly separate from my neighbor Ernie's property, approximately five to seven feet
11 away. My tent was open and did not have slashes in it.

12 11. I have viewed photos marked as Exhibit 6a-f to the declaration of Eric Ares.
13 My red and grey tent is depicted in those photographs. The tent appears to have a
14 large gash around the middle of the tent. That was not present before my arrest. My
15 tent was in good condition and not torn. Other than my tent and a folded blue tarp on
16 the ground in front of it, the rest of the property in these photos does not belong to
17 me. I recognize some of the property as belonging to my neighbor Ernie, and some
18 of it I recognize as belonging to another neighbor in that area of Towne.

19 12. I was booked at the Central Community Police Station on Skid Row. While I
20 was there, the officers had me talk with a nurse, who asked me if I had any medical
21 problems. I told the nurse that I was on medications for depression and that I needed
22 the medication that was left with all my property when I got arrested. I was not
23 given any medication during the time I was in custody.

24 13. I then spent approximately 24 hours in custody. I was jailed at the
25 Metropolitan Detention Center ("MDC"), or what is sometimes referred to as "the
26 glass house," and eventually transferred to the Metropolitan Courthouse. The Failure
27 to Appear charge I was arrested for was dismissed when I was arraigned in custody
28 at the Courthouse and new hearing dates were set on the underlying citations.

1 14. When I was released from custody, I received a prisoner's receipt for the
2 personal property I had in my pocket when I was arrested. I was not given my
3 backpacks or any medications. A true and correct copy of this Prisoner's Receipt,
4 with my handwritten notes on the face of the document, is attached as Exhibit 7. I
5 never received a receipt or any paperwork inventorying my tent or other personal
6 property that I observed the LAPD officers surround with police tape when they
7 arrested me.

8 15. When I went back to Towne Ave after I was released, I observed that my
9 property was gone. My neighbors told me that my property was taken by the City
10 after I was arrested.

11 16. Despite every effort to get my property back over the next weeks, and despite
12 doing what the officers and city employees have told me to do, I have not been able
13 to recover any of my things.

14 17. The day after my release, I first went to the MDC on Los Angeles Street, or
15 "glass house," where I had been jailed and asked for my property. I checked for my
16 property there because my neighbors suggested I check there.

17 18. At the MDC, I asked the officer at the front desk for my property. The
18 officer told me that they do not keep property there. The officer told me to go check
19 for my property at the Judge Aiso storage location, and gave me a phone number to
20 call. At that point, I wrote down notes about the name, location, and phone number
21 of the storage location on my prisoner's receipt, attached at Exhibit 7.

22 19. I left the MDC and called the phone number given to me by the desk officer.
23 A woman answered and I asked how to get my property back. She told me that I
24 should check at the Judge Aiso storage location.

25 20. I then went directly from the MDC to the Judge Aiso storage location. On
26 this occasion, the storage facility was open and I recognized the officer there as the
27 booking officer from when I was arrested. I asked him for my property. He went
28 away for a few minutes, came back, and told me my property was not there. The

1 officer then told me to go to the Central Police Station to check for my property, and
2 to ask to speak with my arresting officers, Officer Primo and Officer Schmidt. He
3 said they work in the RESET division and they are the ones who work with that area.

4 21. The next day, February 26, 2016, I went to the Central Police Station as told
5 to do by the officer at the Judge Aiso location. I spoke with the front desk officer
6 and asked to speak with my arresting officers, Officer Primo and Officer Schmidt.
7 When they came out, I asked them about my property. Officer Primo said that he
8 had no idea where my property was and that they would look into it. The officers
9 said they have to check with the sanitation people because the sanitation people have
10 the final say about what property is kept and what is thrown away. Officer Primo
11 told me to come back in a couple of days because they were off the next day.

12 22. On or around March 11, 2016, I went to the Central Police Station with Eric
13 Ares of LA CAN to try to retrieve my property. There, we spoke with the
14 commander on duty, Lieutenant Mathis. Lt. Mathis told us to check for my property
15 at the Judge Aiso storage location. I told him that I already went to that location and
16 spoke with my booking officer, who said that my property was not there.

17 23. Lt. Mathis said that I should not check with that officer and that I should
18 instead speak with someone who actually knows the Judge Aiso storage location
19 because they deal with the inventory. Lt. Mathis said to ask for Officer Mendoza
20 when we go to the Judge Aiso location again.

21 24. When asked during what hours we should go to the Judge Aiso location, Lt.
22 Mathis gave a few unclear, differing answers about what times to go. Based on his
23 responses, I formed the belief that he was unsure about the hours it was open. I
24 observed that he then made a phone call; he hung up after about 10-20 seconds. I did
25 not observe him say anything into the phone while he was making the call. After he
26 hung up, Lt. Mathis said to just go to the Judge Aiso storage location on Monday,
27 March 14, after 11am. He also informed me that the police allow 60 days to retrieve
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1 property but they actually keep it for 90 days. He looked at the date on my
2 prisoner's receipt and said my property should be there.

3 25. On March 14, 2016, I went to the Judge Aiso storage location again. I went
4 at the time and date Lt. Mathis told me to go there. When I got there, no one was
5 there and the facility was locked. I was unable to get my property yet again.

6 26. Then, on March 24, 2016, I went with Carol Sobel, one of my lawyers, to the
7 Central Police Station to follow up getting my property. Based on my discussion
8 with Ms. Sobel, I understood that she had received a call from the City Attorney's
9 office, informing her that my property was at the Central Station and could be
10 retrieved from Lt. Mathis. After checking in at the front desk, Lt. Mathis came out
11 along with two other individuals wearing gray shirts with insignias on them. They
12 were not wearing police uniforms. These two individuals had clear plastic bags with
13 property inside. One of the bags was on a dolly. Each of the plastic bags had a tag
14 on it with my name and the date of my arrest. They also brought out my bike. I
15 could see the property inside the plastic bags. Attached at Exhibit 8 are photographs
16 I recognize as depicting the property in the plastic bags in the lobby of the police
17 station on March 24, 2016.

18 27. The bike was mine but, based on a visual inspection of the bags, I did not see
19 anything else in them that was mine except for a green and beige blanket. I
20 recognized some of the clothes and picture frames in the plastic bags as my neighbor
21 Ernie's property. I did not see any of my medications, clothes, shoes, backpacks,
22 pictures, documents, small electronics or my tent in the bags.

23 28. Lt. Mathis showed me a form and asked me to sign for my property. At the
24 time that I was asked to sign the papers, I was standing next to my attorney and no
25 more than four feet from Lt. Mathis. From that point, I could observe and hear
26 everything that transpired between Lt. Mathis and my attorney. I observed my
27 attorney tell Lt. Mathis that she wanted me to check the property in the bags to make
28 sure all my belongings were there. Lt. Mathis said that was not allowed.

1 29. He told me and my counsel that, before I looked through the bags, I had to
2 sign a paper saying I received all my property. My attorney said she wanted me to
3 make a note on the paper saying that not all my property was there and to have both
4 me and Lt. Mathis initial the note so that there was no dispute later that I should have
5 claimed missing property at the station. Lt. Mathis refused, saying that's not the way
6 it is done and that I had to sign for all my property first, without writing any notes on
7 the form. So I did not sign anything and I left without my property. Since the only
8 item I recognized as belonging to me in the two large bags was a single blanket, I
9 thought it was very important to note what was missing at the time that I received the
10 property from the police.

11 30. Living on the street without a tent has been debilitating. Some nights I've
12 slept in my friends' rooms. Some nights I just stay awake all night and try to get a
13 few hours of sleep in a chair during the day. The lack of sleep is stressful. This
14 neighborhood and being homeless is still so new to me, so I am too afraid to sleep on
15 the street exposed without a tent at night. Many people on Skid Row suffer from
16 mental illness and can be difficult for that reason.

17 31. I became sick after having to spend nights outside without my tent and no
18 protection from the elements. I developed chest congestion, a cough, and a sore
19 throat. I bought over-the-counter medications to help with these symptoms.

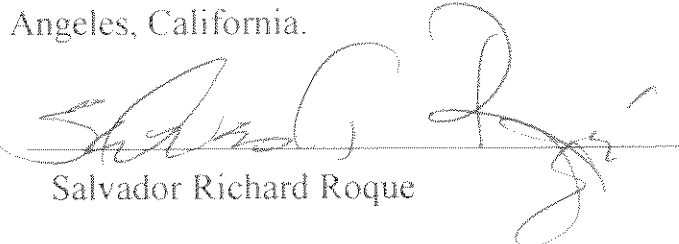
20 32. In addition to my tent, my other items of personal property that were taken
21 were my prescription medications for depression; medical paperwork; important
22 legal documents regarding my pending Supplemental Security Income (SSI) case;
23 blankets; all my clothes; my niece's death certificate; and pictures of my nieces,
24 including my niece who passed away. Most of these items were packed in bags.
25 One of my backpacks also had \$75 in it, including \$28 in quarters to use for laundry.

26 33. The loss of my property and the loss of my prescription medications has
27 exacerbated my condition. I have been without these medications ever since
28 February 23, 2016.

1 34. I receive my mental health services and prescription medications from a
2 service provider that has offices in Compton and Long Beach, the areas I lived
3 before coming to Skid Row. I have not been able to replace my medications because
4 it is difficult for me to get to either of those places. I do not have transportation to
5 these medical facilities. In addition, I am fearful that, if I leave my property while I
6 go to the doctor, the police will take it again and I would lose what little property I
7 have now. I have nowhere to put my property while I go to the doctor's office. On
8 public transportation, it would take me hours to go back and forth and I would be
9 unable to get back to Skid Row before the storage facility closes for the day. That is,
10 if they have space available on the days I need to go to the doctor.

11 35. On top of everything else—grieving my niece's death, being homeless, and
12 getting all of my property taken away—being without my prescription medication
13 makes it increasingly difficult to function on a daily basis. I continue to struggle
14 with severe depression.

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16 I declare under penalty of perjury that the foregoing is true and correct. Executed
17 this 29th day of March, 2016 at Los Angeles, California.

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20 Salvador Richard Roque
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